

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VINCENT DANIEL HOPPER,

Plaintiff,

v.

G. WIGEN, *et al.*,

Defendants.

Case No. C05-5662 FDB

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION AND  
DISMISSING COMPLAINT  
WITHOUT PREJUDICE

The Magistrate Judge recommends that this Civil Rights action be dismissed without prejudice as the Plaintiff has advised the Court he no longer wishes to pursue this action. As detailed by the Judge Magistrate, the Plaintiff has stated that the conduct on which he based his complaint, certain policies of the Northwest Detention Center, have ceased and that he has suffered no compensable injury.

Plaintiff has filed an objection asserting that dismissal is not warranted and the Court should stay dismissal to determine whether Plaintiff is entitled to costs in this action. There is no basis for an award of costs in this action and Plaintiff's assertions are insufficient to convince this court that this matter is not subject to dismissal.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

- (2) The complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure; and
- (3) United States' Motion to Dismiss Claims Against the Federal Defendant [Dkt # 27] is stricken as **MOOT**.
- (4) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants, and to the Hon. Karen L. Strombom.

DATED this 9<sup>th</sup> day of June, 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE